1 EDMUND G. BROWN JR. Attorney General of California 2 ALFREDO TERRAZAS Senior Assistant Attorney General 3 LINDA K. SCHNEIDER Supervising Deputy Attorney General 4 State Bar No. 101336 110 West "A" Street, Suite 1100 5 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-3037 6 7 Facsimile: (619) 645-2061 Attorneys for Complainant 8 BEFORE THE 9 BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS 10 STATE OF CALIFORNIA 11 Case No. 2011- 113 In the Matter of the Accusation Against: 12 MARC CHARLES HALDIN ACCUSATION 13 15680 Lake Terrace Drive Lake Elsinore, CA 92530 14 15 Registered Nurse License No. 627608 16 Respondent. 17 18 Complainant alleges: **PARTIES** 19 20 Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department 22 of Consumer Affairs. On or about October 7, 2003, the Board of Registered Nursing issued Registered 23 2. Nurse License Number 627608 to Marc Charles Haldin (Respondent). The Registered Nurse 24 25 License expired on June 30, 2005, and has not been renewed. 26 /// 27 /// 28 ///

JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), an expired license may be renewed at any time within eight years after expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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COST RECOVERY

7. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

- 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Arizona State Board of Nursing (Arizona Board). The circumstances are as follows:
- 9. On June 3, 2009, the Arizona Board entered an order revoking Respondent's Arizona registered nurse license. The Findings of Fact, Conclusion of Law and Order states that on or about March 23, 2008, Respondent responded to the findings of an audit completed by the Arizona Department of Corrections (ADOC). Respondent admitted that he did not document the SOAP notes for the inmates included in the complaint, signed out medication in the pharmacy record, and stated he understood this was lazy and incompetent, but denied diverting medications while working for ADOC where Respondent had been employed. The Findings of Fact and Conclusions of Law established that Respondent had engaged in unprofessional conduct, including but not limited to the following:
- a. Between December 11, 2007 and December 30, 2007, Respondent failed to document in the medical record for a patient both assessments and the administration of ordered Toradol and Nubain on 17 occasions.
- b. Between December 6, 2007 and December 30, 2007, Respondent failed to document the administration of Nubain on the medical administration record (MAR) for five patients on 13 occasions.
- c. Between December 13, 2007 and December 28, 2007, Respondent signed out
 Nubain on 10 occasions for inmates who were not patients in the Medical Hub.
- d. On December 6, 2007, Respondent administered Toradol 60 mg. instead of the ordered Nubain 20 mg. for one patient. Respondent failed to complete an incident report regarding the medication error.
- e. On or about April 1, 2008, Respondent resigned from ADOC, and he is ineligible for rehire.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 627608, issued to Marc Charles Haldin;
- 2. Ordering Marc Charles Haldin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

Complainant

3. Taking such other and further action as deemed necessary and proper.

| DATED: _ | 49/10 | Louise A. Bailer |
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| | | LOUISE R. BAILEY, M.ED., RN |
| | | Interim Executive Officer |
| | | Board of Registered Nursing |
| | | Department of Consumer Affairs |
| | | State of California |

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